**S.B.Civil Writ Petition NO.1130/2003**

**M/s. Sanjay Malviya**

**vs**

**State of Rajasthan & Ors.**

**DATE OF ORDER** : - 08.4.2005

**HON'BLE MR. PRAKASH TATIA,J.**

Mr. KK Shah,for the petitioner.
Mr. SN Tiwari, Dy.GA, for the respondents-State

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Heard learned counsel for the parties.

The only grievance of the petitioner is that the order has been passed by the Director Mines on 23rd March, 2002 wherein it has been held that petitioner is entitled for refund of Rs.44580/-. That order has not been complied with by the department itself though the Director, Mines has passed the order. The petitioner even served the notice for demand of justice upon the respondents through his advocate dated 2nd July, 2002, but payment has not been made.

According to learned counsel for the petitioner, the respondents

are demanding the bond for refund of the amount for which there is no reason. It is also submitted that the petitioner be awarded interest on the amount, which has been detained by the respondents without any reason.

Learned counsel for the respondents-State submits that the petitioner was under obligation to submit a bond for refund of the amount and, therefore, the bond was rightly demanded.

I considered the submissions of learned counsel for the parties and perused the order dated 23rd March, 2002 passed by the Director, Mines wherein the Director, Mines clearly held that the petitioner is entitled for refund of Rs.44580/-. In view of the above, there was no reason for demanding the bond because of the reason that the Director, Mines must have passed the order after considering all relevant facts for the refund of the amount. Apart from it, now more than three years have passed and till today it is not the case of the respondents-department that anybody has raised any objection about the refund of the amount to the petitioner. It is also not in dispute that the order dated 23rd March, 2002 has not been cancelled yet. There is no explanation why the order was not complied with.

In view of the above, the writ petition deserves to be allowed, hence allowed. The respondents are directed to comply with their own order dated 23rd March, 2002 and they shall pay the amount of Rs.44580/- to the petitioner in pursuance to their own order dated 23rd March, 2002. Since the respondents deliberately did not pay the amount even after the order dated 23rd March, 2002, therefore, the petitioner is entitled for the interest @ 6% per annum from the date 23rd March, 2002 till the amount is paid. The principal amount alongwith interest be paid to the petitioner within a period of two months from today.

**(Prakash Tatia), J.**

c.p.goyal/-